

1 UNITED STATES DISTRICT COURT • DISTRICT OF NJ

2 Edward J. Mierzwa • Patricia A. Mierzwa
3 51 Scudder St • Garfield, NJ 07026
4 Tel: (973) 340-7954

5 Edward J. Mierzwa and
6 Patricia A. Mierzwa,
7 Plaintiff(s),
8 vs.
9 United States of America,
10 State of New Jersey,
11 City of Fair Lawn,
12 City of Garfield,
13 City of Pequannock,
14 Anthony Blackfeld,
15 Robert Shikhman,
16 Saulius Shikhman,
17 Traci Shikhman,
18 Richard Uram,
19 Defendant(s)

CIVIL ACTION NO.

04-5268
(JWB)

CIVIL ACTION

COMPLAINT

RECEIVED
U.S. DISTRICT COURT
NOV 27 10 34 AM '04

20 JURISDICTION

21
22 The controversy involves the following:

- 23 (1) The United States of America; Agency; Department.
24 (2) Constitutional Laws.
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PARTIES

Plaintiff(s): Edward J. Mierzwa and Patricia A. Mierzwa,
residing at 51 Scudder Street in the City of
Garfield, County of Bergen and State of New Jersey

Defendant⁰¹: United States of America,
a sovereign nation; headquartered at 1600
Pennsylvania Avenue in the City of Washington,
District of Columbia

Defendant⁰²: State of New Jersey,
Headquartered in the State Capitol complexes located
in City of Trenton, County of Mercer of New Jersey

Defendant⁰³: City of Fair Lawn,
a municipality; City Hall located at 8-01 Fair Lawn
Avenue in the City of Fair Lawn, County of Bergen
and State of New Jersey

Defendant⁰⁴: City of Garfield,
a municipality; City Hall located at 111 Outwater
Lane in the City of Garfield, County of Bergen and
State of New Jersey

Defendant⁰⁵: City of Pequannock,
a municipality; City Hall located at 530 Newark-
Pompton Turnpike in the City of Pequannock-Pompton
Plains, County of Morris and State of New Jersey

Defendant⁰⁶: Anthony Blackfeld,
an employee of the City of Garfield, New Jersey;
business address is City Hall located at 111
Outwater Lane in the City of Garfield, County of
Bergen and State of New Jersey

Defendant⁰⁷: Robert Shikhman,
residing at 40-06 Kuiken Terrace in the City of Fair
Lawn, County of Bergen and State of New Jersey

PARTIES

Defendant⁰⁸: Saulius Shikhman,
residing at 12 Benjamin Place in the City of
Pequannock, County of Morris and State of New Jersey

Defendant⁰⁹: Traci Shikhman,
residing at 12 Benjamin Place in the City of
Pequannock, County of Morris and State of New Jersey

Defendant¹⁰: Richard Uram,
an employee of the City of Garfield, New Jersey;
business address is City Hall located at 111
Outwater Lane in the City of Garfield, County of
Bergen and State of New Jersey

CAUSE OF ACTION

FIRST COUNT

1. For reasons all its own, Defendant⁰¹ · United States of
America, Judiciary denied Plaintiff(s) procedural due
process in reference to civil action no. 2:04cv721; filed in
good faith on 18 February 2004, complaint withdrawn on
27 October 2004. Exhibit B

2. On Thursday evening, 19 February 2004, Defendant⁰⁷ ·
Robert Shikhman, Defendant⁰⁸ · Saulius Shikhman and
Defendant⁰⁹ · Traci Shikhman by method of prevarication,
initiated chaotic police activity in conjunction with
Defendant⁰² · State of New Jersey, Defendant⁰³ · City of
Fair Lawn, Defendant⁰⁴ · City of Garfield, Defendant⁰⁵ ·
City of Pequannock, all to the detriment of
Plaintiff(s). Exhibit A

1
2 3. For reasons all their own, on 19 February 2004,
3 Defendant⁰⁴ · City of Garfield, Defendant⁰⁶ · Anthony
4 Blackfield, Defendant¹⁰ · Richard Uram, Defendant⁰³ · City
5 of Fair Lawn, Defendant⁰⁵ · City of Pequannock and
6 Defendant⁰² · State of New Jersey committed acts of gross
7 negligence and outrageous conduct against Plaintiff(s).

8 Exhibit A
9

10 4. In bad faith, Defendant⁰⁶ · Anthony Blackfield and
11 Defendant¹⁰ · Richard Uram disrupted the quiet enjoyment
12 of Plaintiff(s) car and home on Thursday, 19 February
13 2004 @ 10:00 PM. Exhibit A
14

15 5. On 05 March 2004, Defendant⁰¹ · United States of America,
16 USDC signed frivolous Order of Partial Dismissal [in
17 reference to civil action no. 2:04cv721], opposition papers
18 filed by Plaintiff(s) on 11 March 2004. Exhibit B
19

20 6. In bad faith, Defendant¹³ · Traci Shikhman filed a
21 frivolous police incident report with malice directed at
22 Plaintiff on 26 April 2004. Exhibit A
23

24 7. On 28 July 2004, Defendant⁰¹ · United States of America,
25 USDC denied Plaintiff(s) Motion to Reconsider Order of
26 Partial Dismissal [in reference to civil action no.
27 2:04cv721]. Exhibit B
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1
2 8. On 23 August 2004, Plaintiff(s) filed Notice of Appeal
3 [in reference to civil action no. 2:04cv721] with
4 Defendant⁰¹ • United States of America, USDC; docketed by
5 USCA [no. 04-3447] on 26 August 2004. Exhibit B
6

7 9. On 23 August 2004, Plaintiff(s) filed Brief with
8 Defendant⁰¹ • United States of America, USCA; entered on
9 02 September 2004. Exhibit B
10

11 10. In bad faith, Defendant⁰¹ • United States of America,
12 USCA signed Order, dated 02 September 2004, averting
13 Plaintiff(s)/Appellant(s) Brief filed on 23 August 2004;
14 no PACER entry for signed Order. Exhibit B
15

16 11. Plaintiff(s), in support of interlocutory decision,
17 filed Response to letter from Defendant⁰¹ • United States
18 of America, USCA - Legal Division on 07 September 2004.
19 Exhibit B
20

21 12. In bad faith, Defendant⁰¹ • United States of America,
22 USCA signed Order, dated 01 October 2004, citing
23 jurisdictional defect. Exhibit B
24

25 13. On 08 October 2004, Plaintiff(s) filed Petition for
26 Rehearing with Defendant⁰¹ • United States of America,
27 USCA; entered on 12 October 2004. Exhibit B
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29

1 14. On 23 August 2004, Plaintiff(s) filed Brief in Support
2 of Omnibus Motion with Defendant⁰¹ • United States of
3 America, USDC; citing a myriad of negligent errors &
4 omissions by USDC Clerk. Exhibit B

5
6 15. For reasons all its own, Defendant⁰¹ • United States of
7 America, USDC denied Plaintiff(s) Motion for Sanctions in
8 reference to civil action no. 2:04cv721; filed in good faith
9 on 07 September 2004, Order dated 25 October 2004. Exhibit B

10
11 16. As a further direct and proximate result of Defendant(s)
12 malevolent conduct, Plaintiff was caused to sustain severe,
13 permanent, grievous, painful and disabling emotional
14 distress and was disabled from attending to plaintiff's
15 employment and other normal pursuits and continues to be so
16 disabled all to the Plaintiff(s) detriment and damage.

17
18 DEMAND

19
20 WHEREFORE, the Plaintiff, Edward J. Mierzwa, demands
21 Judgement against the Defendant(s): United States of
22 America, State of New Jersey, City of Fair Lawn, City of
23 Garfield, City of Pequannock, Anthony Blackfeld, Robert
24 Shikhman, Saulius Shikhman, Traci Shikhman, Richard Uram on
25 this Count together with lawful interest and costs of suit,
26 also the Plaintiff prays for such further or other relief as
27 the nature of the case may require, and as may be agreeable
28 to equity and good conscience.

CAUSE OF ACTION

SECOND COUNT

1. Each of the allegations contained in the First Count of this Complaint is hereby repeated as if set forth at length and made a part of this, the Second Count.

2. At all times relevant herein Plaintiff, Patricia A. Mierzwa was and is the lawful spouse of the Plaintiff, and as such is entitled to services, society, consortium and affection.

3. As a result of the negligence of Defendant(s), Plaintiff, Patricia A. Mierzwa, was deprived of the services, society, consortium and affection and was caused suffering and damages.

WHEREFORE, the Plaintiff, Patricia A. Mierzwa, demands Judgement against the Defendant(s): United States of America, State of New Jersey, City of Fair Lawn, City of Garfield, City of Pequannock, Anthony Blackfeld, Robert Shikhman, Saulius Shikhman, Traci Shikhman, Richard Uram; jointly, severally or in its alternative, on this Count, together with lawful interest and costs of suit, also the Plaintiff prays for such further or other relief as the nature of the case may require, and as may be agreeable to equity and good conscience.

JURY DEMAND

Plaintiff(s) hereby demands a trial by jury on all issues so triable.

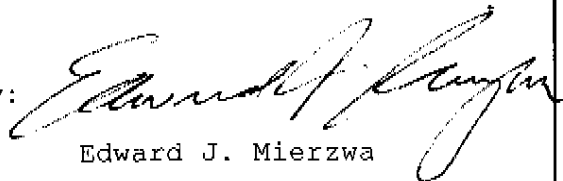
CERTIFICATION

I hereby certify that the matter(s) referenced is not the subject of any other court proceeding or arbitration proceeding now pending or contemplated, and that no other parties should be joined in this action.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false I am subject to punishment.

Plaintiff:

By:


Edward J. Mierzwa

Dated: October 27, 2004

Plaintiff:

By:


Patricia A. Mierzwa

Dated: October 27, 2004

Civil 04-5268
(JWB)

Exhibits
Located in
Clerk's file
USDC-Newark